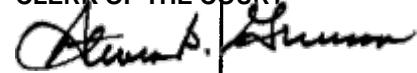


EXHIBIT 3

Anti-SLAPP Order

Wengui Guo v. Shuiyan Cheng

Case No. A-18-779172-C (8th Jud. Dist., Clark Cty., NV)

1 **ORDR**

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12 **EIGHTH JUDICIAL DISTRICT COURT**13 **CLARK COUNTY, NEVADA**14 **WENGUI GUO a/k/a MILES KWOK,**

15 Plaintiff, Case No. A-18-779172-C

16 vs. Dept. 32

17 **ORDER**18 **SHUIYAN CHENG a/k/a HUIYAN CHANG;
19 FANG YONG a/k/a MA KE,**

20 Defendants.

21 **ORDER GRANTING DEFENDANT SHUIYAN CHENG'S
ANTI-SLAPP SPECIAL MOTION TO DISMISS UNDER NRS 41.660**

22 This matter, having come before the Court on Defendant Shuiyan Cheng's
23 Anti-SLAPP Special Motion to Dismiss Under NRS 41.660, and it appearing, upon
24 argument of counsel and for good cause shown, the motion is granted:

25 NRS 41.635 et seq., Nevada's Anti-SLAPP statute, creates a procedure for
26 early dismissal of cases which are targeted at speech and conduct that fall under
27

1 specified categories and that lack minimal merit. The statute creates a two-step
2 analysis. First, the moving party must prove by a preponderance of the evidence
3 that the plaintiff's causes of action are based upon statements that fall into at
4 least one category set out in NRS 41.637 and that are made in good faith,
5 meaning they are truthful or were made without knowledge of falsity. If the
6 moving party makes such a showing, the burden then shifts to the plaintiff to make
7 a *prima facie* showing that it has a probability of prevailing on its claims.

8 The Court finds Defendant Cheng satisfied his burden under the first prong
9 of this analysis. His statements on which Plaintiff's claims are based are all
10 protected under NRS 41.637(4). Mr. Cheng also showed by a preponderance of
11 the evidence that he made his statements without knowledge they were false.

12 The Court also finds Plaintiff failed to make a *prima facie* showing that he
13 has a probability of prevailing on his claims. Plaintiff is a public figure, being
14 heavily reported on, with multiple news sources in the record referring to him and
15 controversies surrounding him.

16 As a public figure, Plaintiff must prove by clear and convincing evidence
17 that Defendant's statements were made with actual malice, that is with knowing
18 falsity or a reckless disregard for the truth. *New York Times Co. v. Sullivan*, 376 U.S.
19 254 (1964).

20 Mr. Cheng's statements were consistent with statements about Plaintiff in
21 well-respected publications such as, *inter alia*, Deutsche Welle, The New York
22 Times, and Forbes. Mr. Cheng demonstrated numerous publications in the
23 mainstream press, from multiple countries, were the sources of his basis for the
24 statements he made. Mr. Cheng had no reason to doubt the veracity of those
25 sources, and Mr. Cheng provided uncontested evidence that he did not know
26 the statements to be false. His reliance upon mainstream media for his
27

1 information makes a finding of recklessness under applicable standards
2 impossible.

3 These statements are thus protected under the First Amendment.

4 Accordingly, IT IS HEREBY ORDERED that Defendant Shuiyan Cheng's Anti-
5 SLAPP Special Motion to Dismiss Under NRS 41.660 is hereby GRANTED.

6 IT IS FURTHER ORDERED that all of Plaintiff Wengui Guo's claims are hereby
7 dismissed with prejudice.

8 IT IS FURTHER ORDERED that, as the prevailing party on a special motion to
9 dismiss he filed, Mr. Cheng is entitled to recover his costs and reasonable
10 attorneys' fees under NRS 41.670(1)(a), and may receive an award of up to
11 \$10,000 in damages under NRS 41.670(1)(b). Mr. Cheng may file a motion for fees,
12 costs, and damages no later than 21 days following notice of entry of this Order.

13
14 DATED this 30 day of January, 2020.
15

16
17 
18 DISTRICT COURT JUDGE

19 RCB BARE
20 JUDGE, DISTRICT COURT, DEPARTMENT 32

21 Submitted by:
22

23 /s/Marc J. Randazza

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